

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

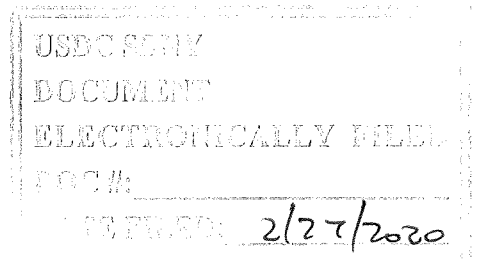
OUSAMANE AG,

Petitioner,

-against-

THOMAS DECKER,

Respondent,



No. 19-cv-9535(NSR)
ORDER

NELSON S. ROMÁN, United States District Judge

Pro se Petitioner Ousmane AG (“Petitioner”) commenced the instant proceeding pursuant to 28 U.S.C. § 2241 against Respondent Thomas Decker (“Respondent”), the Field Office Director for the U.S. Immigration and Customs Enforcement Agency (“ICE”), seeking to be release from custody. In his petition, Petitioner alleged that he was a legal permanent resident of the U.S., that he has been detained by ICE since September 29, 2016, and that has been denied due process as a result of, *inter alia*, his prolonged detention. Petitioner seeks relief in the form of an order directing he be released from custody and or be given a bond hearing. By letter dated December 20, 2019, Respondent informs that Petitioner was released from custody in December 2019. Respondent asserts that Petitioner’s release from custody renders the instant petition moot and warrants dismissal.

It is well settled, “[i]n order to satisfy the case-or-controversy requirement [of Article III], a party must, at all stages of the litigation, have an actual injury which is likely to be redressed by a favorable judicial decision.” *Chocho v. Shanahan*, 308 F. Supp. 3d 772, 774 (S.D.N.Y. 2018) *quoting United States v. Williams*, 475 F.3d 468, 478–79 (2d Cir. 2007). Petitioner’s request for relief, as articulated in his petition for habeas corpus, is for an order directing his release from his alleged unlawful detention. Since Petitioner is no longer in

custody, there is no actual injury which is likely to be redressed by a favorable decision. Thus, his petition is rendered moot. *Chocho v. Shanahan*, 308 F. Supp. 3d at 774 (internal citations omitted). Accordingly, the petition is DISMISSED.

The Clerk of the Court is respectfully directed to terminate the proceeding, to mail a copy of this Order to the Petitioner at his last known address, and to show proof of mailing on the docket.

Dated: February 27, 2020
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge